IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 377 OF 2005

Yashwant Janardhan Choudhary ....Appellant.
V/s
Nitin Gajanan Choudhary & Ors.... ... .Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar' orders.	Court's or Judge's Orders

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Mr.Vijay Gharat, Adv. for the Appellant.

CORAM: A.P. DESHPANDE, J.
10.7.2007

PC:

The plaintiff's suit for possession instituted against real sister has been dismissed by the trial Court and the judgment and decree stands confirmed by dismissal of the appeal by the First Appellate Court. The subject matter of the suit is a small tenanted premises located at pot mala (mezzanine floor). The deposition of the defendant's sister recorded in the earlier suit reveals that she has been staying there after being

deserted by her husband since the year 1959. The First Appellate Court has held that Atmaram brother of the plaintiff and his family are residing on the ground floor. The plaintiff/appellant is residing on the first floor whereas defendant's sister is residing as tenant in the mezzanine floor. On appreciation of evidence on record the findings are recorded by the Courts below. Perused the judgment and decree passed by the First Appellate Court. Same does not call for interference. No substantial question of law emerges for adjudication in this second appeal. Hence second appeal is summarily dismissed. C.A. No.645/05 stands disposed of accordingly.

10.7.07.